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FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8714
INFO RUCNCIS/CIS COLLECTIVE IMMEDIATE
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1861
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 1439
RHEFDIA/DIA WASHDC IMMEDIATE
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RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE
RUEHGV/USMISSION GENEVA IMMEDIATE 0405
RUEHVEN/USMISSION USOSCE IMMEDIATE 2273
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1658
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE
RUEHBS/USEU BRUSSELS IMMEDIATE
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE
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C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 001762

SIPDIS

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DEPT FOR SCA/FO - FEIGENBAUM AND SCA/CEN

E.O. 12958: DECL: 12/14/2016
TAGS: PREL PGOV MARR KG
SUBJECT: KYRGYZ DEPUTY FM ON MANAS AIR BASE INCIDENTS

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Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

¶1. (C) Summary. Speaking privately, Deputy FM Sarbayev told DCM that U.S. delay in responding to the diplomatic notes on the Manas shooting incident is creating a growing political problem for the GOKG that damages U.S. interests and that could jeopardize the continued operation of the base. End Summary.

¶2. (C) In a 90 minute one-on-one discussion with DCM on December 14, Deputy FM Kadyrbek Sarbayev said that the lack of response from the U.S. to the substantive requests conveyed in the four diplomatic notes the MFA has sent the embassy regarding the December 6 shooting incident is killing the government and is becoming a "huge political problem." Parliament, whose leaders told Sarbayev as recently as December 8 that they would steer clear of the shooting incident, started two days of discussion December 14 on the incident (along with other controversial issues such as Kyrgyzstan's participation in HIPC). MPs are asking Sarbayev and others, "What is the response to the diplomatic notes?" The longer the government is silent, Sarbayev said, the worse the political situation becomes. As examples, he noted that recently members of the Duma in Russia began calling for the closure of the base, opposition parliamentarians have called for a review of the 2001 agreement, and there are rumors of possible anti-U.S. demonstrations at the airport.

Appeal for Cooperation on the Investigation

¶3. (C) Sarbayev said that the Ministry of Interior (MVD) investigators working the case have told the MFA that the two keys to resolving the investigation are MVD access to Airman Hatfield and the pistol. Without access to either one, the MVD can't bring the investigation forward. The MVD can "broaden" it, e.g. by interviewing other fuel truck drivers and airport personnel, but the U.S. refusal to grant direct MVD access to Airman Hatfield or the gun have frustrated MVD

efforts to move forward jointly on the investigation.

¶4. (C) In appealing for flexibility on the access issue, Sarbayev claimed the U.S. allowed local law enforcement to question a U.S. serviceman in a previous rape case in Okinawa, thereby setting a precedent. He asked rhetorically how the government can explain the delay in the U.S. response, or refusal to allow the MVD the same access it is allowing U.S. investigators. (Note. MVD allows OSI investigators to participate in and pose direct questions during interviews it is conducting with airport personnel.)

¶5. (C) Sarbayev also asked whether the U.S. could agree to a Joint Commission to look into this and future incidents. He also wondered when the MFA could expect to receive the U.S. report on the late September collision between a refueling tanker and a Kyrgyz civilian airliner.

¶6. (C) In response, DCM said that the issues raised by the Ministry's diplomatic notes involved complex legal and political issues, and deserved a considered response. He assured Sarbayev that officials in Washington were focused on responding as quickly as possible. Sarbayev should not underestimate the importance of the fact that Airman Hatfield remains in Kyrgyzstan as an indication of our commitment to cooperate. In the meantime, we were concerned by inaccurate information that has appeared in the press and in quotes from Kyrgyz officials. For example, the media is reporting that an earlier automobile accident involving an airman from the base resulted in the deaths of two Kyrgyz nationals. This was wrong. A 2002 incident resulted in the injury, not death, of two civilians, who subsequently received significant compensation. DCM also clarified for Sarbayev the results of two incidents when U.S. vehicles damaged Kyrgyz aircraft; Sarbayev mistakenly believed both were

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unresolved. In both instances the U.S. side agreed to pay compensation, in spite of the fact that the U.S. was under no legal obligation to do so under the terms of the 2001 base agreement.

¶7. (C) Regarding the ongoing investigation, DCM noted that from the U.S. perspective, cooperation between OSI and MVD investigators was good, and the two sides were exchanging information on a daily basis. Investigators are awaiting results of two key events to help clarify the incident. The first is the autopsy of the driver, which was conducted by Kyrgyz officials (with OSI present). OSI expects the autopsy report December 14 or 15, which should clarify whether the driver was shot in the chest or the back (as is alleged in the press), and determine the trajectory of the bullets both in entering and leaving the body. The second event is the analysis of the pistol. Both a ballistic test and a DNA test should be conducted. The latter can only be done in the U.S., and may help determine the distance between the gun and the driver when the shots were fired. The former can, in theory, be done in Kyrgyzstan or the U.S., but might taint or destroy the DNA evidence if done before the DNA analysis. This was one of the many issues under discussion in considering our response to the Ministry's diplomatic note on this point.

¶8. (C) On the question of a Joint Commission on the incident, DCM noted that the U.S. was always ready to discuss bilateral issues of concern, but that we were still considering the Kyrgyz request. Finally, DCM noted that we expected the report on the collision to be out soon, but could not offer a firm date.

¶9. (C) Comment. Sarbayev did not raise the immunity issue at all, which we take to indicate he understands the U.S. will have little flexibility and discussion would not be productive. Instead, the Kyrgyz are pressing for flexibility on the issues of access to Airman Hatfield and the gun, where they hope we may be able to show the Kyrgyz government and

people a tangible commitment to work through this incident together.

¶10. (C) In the absence of any U.S. gesture, the atmosphere is quickly becoming more confrontational. Immigration issues were raised by the GOKG last week, and on December 13, a Kyrgyz government commission publicly blamed the U.S. tanker crew for the September collision; the Kyrgyz Air Traffic Control Agency accused the base of owing \$15 million in fees for services, and threatened to stop servicing U.S. military aircraft; and Manas airport trade unions called on the Kyrgyz government to review the base agreement so the airport can demand compensation from the U.S. for any future incidents. In the event we are not able to be forthcoming on any of the Kyrgyz requests as conveyed in their diplomatic notes, we can anticipate an increasingly difficult, if not hostile, environment that could seriously restrict or impede operations of the air base.

YOVANOVITCH